

BOISE, THURSDAY, NOVEMBER 14, 2013, AT 9:00 A.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 39908

STATE OF IDAHO,)
)
Plaintiff-Respondent,)
)
v.)
)
DANIEL L. WIDNER,)
)
Defendant-Appellant.)
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Elmore County. Hon. Lynn G. Norton, District Judge.

Nevin, Benjamin, McKay & Bartlett, LLP, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Daniel L. Widner appeals from his judgment of conviction for trafficking in marijuana and concealing a dangerous weapon in a motor vehicle. Widner argues that the trial court erred by denying his motion to exclude from evidence the 2.25 pounds of marijuana officers found in his car. In particular, he argues that the officers lacked justification to search the car without a warrant because a tip from a confidential informant was not reliable.

BOISE, THURSDAY, NOVEMBER 14, 2013, AT 10:30 AM

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 40479

IN THE MATTER OF THE ESTATE OF)
DONALD LEE TAYLOR, DECEASED.)
<hr/> JEFFREY L. TAYLOR,)
)
Petitioner-Appellant-Cross)
Respondent,)
)
v.)
)
MICHAEL JOSEPH TAYLOR, Personal)
Representative of THE ESTATE OF)
DONALD LEE TAYLOR,)
)
Respondent-Cross Appellant.)
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Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Kathryn A. Sticklen, District Judge. Hon. Christopher M. Bieter, Magistrate.

Allen B. Ellis of Ellis Law, PLLC, Boise, for appellant.

Joseph H. Uberuaga, II, of Eberle, Berlin, Kading, Turnbow & McKlveen, Chtd., Boise, for respondent.

Donald Lee Taylor and his wife Bernice had eleven children during their marriage, all of whom are still living. Michael Joseph Taylor is the youngest child, lived with Donald and Bernice for most of his life, and took care of them as their health began to deteriorate. Beginning shortly before Bernice's death in October 2009 and continuing through May 2010, several of Donald's children--including Jeffrey L. Taylor--began to notice some bizarre conduct by Donald. The conduct included delusional episodes, a preoccupation with carrying firearms, occasional violent outbursts, trouble with basic self-care, and trouble carrying on conversations and organizing his thoughts.

Michael later took Donald to a psychologist for an assessment of his cognitive faculties. The doctor determined that Donald presented the essential elements of progressive dementia, exhibiting significant cognitive deficits that would impair his judgment and daily activities. A month later, Michael took Donald to an attorney to have a new will drafted. Donald told the attorney that he wanted everything left to Michael. The attorney asked Donald whether this was

what he really wanted and informed him of the effect the will would have, but Donald insisted on having the will drafted as requested.

After Donald's death four months later, Michael submitted Donald's will for informal probate and sought appointment as personal representative for his estate. Jeffrey objected and sought formal probate of a prior will, arguing that the new will was invalid because Donald lacked testamentary capacity. Michael filed a motion for summary judgment, which the magistrate granted, finding that there was no evidence that Donald lacked testamentary capacity on the day the will was executed. Michael also requested attorney fees, but the magistrate did not rule on that request. Jeffrey appealed the decision to the district court, which affirmed the magistrate but denied Michael's request for attorney fees on intermediate appeal. Jeffrey again appeals, and Michael cross-appeals the district court's denial of his request for attorney fees. Michael also requests attorney fees for this appeal.

BOISE, THURSDAY, NOVEMBER 14, 2013, AT 1:30 P.M.

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 40171

STATE OF IDAHO,)
)
Plaintiff-Appellant,)
)
v.)
)
CHRISTOPHER LEE BROWN,)
)
Defendant-Appellant.)
_____)

Appeal from the District Court of the First Judicial District, State of Idaho, Kootenai County. Hon. Lansing L. Haynes, District Judge.

Hon. Lawrence G. Wasden, Attorney General; Russell J. Spencer, Deputy Attorney General, Boise, for appellant.

Sara B. Thomas, State Appellate Public Defender; Sally J. Cooley, Deputy Appellate Public Defender, Boise, for respondent.

The State appeals from the district court's order granting Christopher Lee Brown's motion to suppress. The district court found that the officer unlawfully extended the duration of Brown's traffic stop in violation of the Fourth Amendment. The officer stopped Brown because his vehicle's rear window was covered by a nontransparent plastic. After running Brown's information, the officer had Brown exit the vehicle. The officer then asked to search the vehicle before returning Brown's license and registration. The subsequent search led to the discovery of marijuana. The district court concluded that since the officer kept the license and paperwork in his hand, the traffic stop was extended with no articulable reason other than for the officer to ask for consent to search the vehicle. The State challenges the district court's conclusion, and also contends that if the stop was extended, reasonable suspicion existed to continue the encounter.

Brown argues the stop was not only unlawfully extended, but the drug activity report the State attempts to rely on to justify the extension was from an unidentified source and uncorroborated. Brown also argues the district court erred in finding the initial stop was lawful because Brown's view was unobstructed since he had two side mirrors to see the highway behind him.